

98-84378-25

Humphrey's orchard; the
story of an English eviction
London

1895

98-84378-25

MASTER NEGATIVE #

COLUMBIA UNIVERSITY LIBRARIES
PRESERVATION DIVISION

BIBLIOGRAPHIC MICROFORM TARGET

ORIGINAL MATERIAL AS FILMED - EXISTING BIBLIOGRAPHIC RECORD

333
En39

Humphrey's orchard; the story of an English
eviction, reprinted by special permission from
the London daily chronicle, October 1894... Lon-
don, 1895.
15 p. ENGLISH LAND RESTORATION LEAGUE
22 cm.

At head of title: Land restoration tracts. no.3)
Volume of pamphlets



ONLY ID

RESTRICTIONS ON USE: Reproductions may not be made without permission from Columbia University Libraries.

TECHNICAL MICROFORM DATA

FILM SIZE: 35mm

REDUCTION RATIO: 9:1

IMAGE PLACEMENT: IA (11A) IB IIB

DATE FILMED: 4-1-98

INITIALS: PB

TRACKING #: 32745

FILMED BY PRESERVATION RESOURCES, BETHLEHEM, PA.

No. 5
*Dep
no work*
356
212
44

Land Restoration Tracts, No. 3.

HUMPHREY'S ORCHARD.

THE STORY OF AN ENGLISH EVICTION.

REPRINTED BY SPECIAL PERMISSION FROM THE
LONDON *DAILY CHRONICLE*, OCTOBER, 1894.

ONE PENNY.

LONDON:
OFFICES OF THE ENGLISH LAND RESTORATION LEAGUE,
8 DUKE STREET, ADELPHI, W.C.

January, 1895.

English Land Restoration League.

OBJECT: The Abolition of Landlordism.

METHOD: The Abolition of all taxes upon labour and the products of labour and the earnings of labour; and the increase of taxation upon land values until the whole annual value of land is taken in taxation for public purposes.

MINIMUM SUBSCRIPTION: One Shilling per annum.

OFFICES: 8 Duke Street, Adelphi, London, W.C.

-
- "Among the Agricultural Labourers with the Red Vans" (Red Van Reports: annually) 24 pp. in cover with two cartoons by "CYNICUS" 1d.
 "The Quaver Side of Landlordism." ("Sir Ogge de Coustous.") By J. F. SULLIVAN. (With twenty-seven Illustrations by the Author) 1d.
 "Mine Rents and Mineral Royalties." By C. M. PERCY (16 pp.) 1d.
 "The Taxation of Ground Values." By J. FLETCHER MOULTON, Q.C. 1d.
 "Christian Economics, with Reference to the Land Question." By ALBERT SPICER, M.P., J.P. 1d.
 "Social and Labour Problems in England, and the First Step to their Solution." By ALBERT SPICER, M.P., J.P. 1d.
 "The Land in its Relation to National Prosperity." By ALBERT SPICER, M.P., J.P. 1d.
 "POVERTY, TAXATION, AND THE REMEDY." By the late THOMAS BRIGGS (214 pp.; published at One Shilling) New Edition 6d.
 "THE STORY OF MY DICTATORSHIP." *Cheaper Editions.* (cloth) 2s.; (paper covers) 1s.
 "THE LAND AND THE COMMUNITY." By Rev. S. W. THACKERAY, M.A., LL.D., Trin. Coll., Cantab., with preface by HENRY GEORGE. Post free at published price 3s. 6d.

BY HENRY GEORGE.

- "Taxing Land Values" (12 pp.) 1d.; 2s. 6d. per 100
 "Thou Shalt not Steal" (16 pp.) 5s. per 100
 "The 'Single Tax' Faith" (16 pp.) "
 "The Land for the People" (12 pp.) 1d.; "
 "The Crime of Poverty" (20 pp.) "
 "Land and People" (24 pp.) "
 "PROGRESS AND POVERTY" (in paper covers) 1s. (cloth) 1s. 6d.
 "SOCIAL PROBLEMS" " 1s. " 1s. 6d.
 "PROTECTION AND FREE TRADE" " 1s. " 1s. 6d.
 "THE CONDITION OF LABOUR" (Reply to the Pope's Encyclical) 2s. 6d.
 "A PERPLEXED PHILOSOPHER." An Examination of MR. HERBERT SPENCER'S various utterances on the Land Question (cloth) 5s.; (limp cloth) 1s. 6d.; (paper covers) 1s.

LAND RESTORATION TRACTS.

- No. 1.—"Mr. Herbert Spencer and the Land Restoration League." (Reprint of correspondence from the *Daily Chronicle*) 1d.
 No. 2.—"Mr. Herbert Spencer on the Land Question." (Reprint, by permission, of Chapter IX. of "Social Statics" together with certain extracts from "Justice") 1d.
 No. 3.—"Humphrey's Orchard: The Story of an English Eviction" .. 1d

* * * Specimen set of LEAFLETS and full list of Publications sent post free on receipt of stamp. All penny pamphlets are supplied, for re-sale or distribution at 1s. 4d. per quire or 5s. a hundred, carriage to be paid by the purchaser.

HUMPHREY'S ORCHARD.

THE STORY OF AN ENGLISH EVICTION.

[BY OUR SPECIAL COMMISSIONER.*]

And it came to pass after these things, that Naboth the Jezreelite had a vineyard, which was in Jezreel, hard by the palace of Ahab king of Samaria.

And Ahab spake unto Naboth, saying, Give me thy vineyard, that I may have it for a garden of herbs, because it is near unto my house; and I will give thee for it a better vineyard than it; or if it seem good to thee, I will give thee the worth of it in money.

And Naboth said to Ahab, the Lord forbid it me, that I should give the inheritance of my fathers unto thee.—(1 Kings, chap. xxi., 1-3.)

THERE is no more lovely part of Southern England than that on which you look down from the brow of Blackdown Hill, three or four miles south of Haslemere. It lies in the corner where the counties of Hants, Sussex, and Surrey join their boundaries. In the old days it was something of a no-man's-land, where smugglers and even highwaymen found a wild territory abounding in snug retreats hidden among the desolate moors and forests that stretched, with rare patches of meadow land, down to the sea. Even to-day it retains something of its primitive mould, though Haslemere and Hindhead are civilised enough and plentifully strewn with smart red villas. But Blackdown is still given up to gorse and heather and rough forest, where you may wander for miles without meeting a soul, and where you rarely light on a red-roofed cottage nestling in little nooks and foldings of the hills. The people themselves are largely in the nature of squatters, living a rude woodland life which affords them few comforts. But each man boasts some small possession of live stock in the way of poultry, a cow or two, or a horse, that find food and pasturage on the strips of grass bordering the rough roads or set in the midst of the commons. Society, even village society, does not exist. The people, or at all events the cottages in which they live, do not multiply, and for years there is no record of a new home being set up on these forest-clad hills and their secluded valleys. The land is in the hands of a few great landlords, whose estates consist of many thousands of acres. They are strong Tories to a man; they discourage settlement, keep a firm grip on the soil; and will have nothing to say to the red villas of Hindhead. Looking from Blackdown Hill and to the downs, behind which lie Worthing and

* Reprinted by permission from the *London Daily Chronicle*, Oct. 6th, 1894.

Bognor and a long strip of Sussex coast, you can almost count the landowners on the fingers of your hand. Far away behind the last dim gradation of faintly-pencilled downs is the valley of the Arun and the Duke of Norfolk's great holding. Nearer still is Petworth, which belongs to Lord Leonfield, while between him and the Duke of Richmond lie the estates of Lord Egmont, eleven or twelve miles in extent, and covering 30,000 acres of moor and forest land. It is on this estate, lying between Midhurst and Haslemere, that a strange chapter in the history of landlordism has just been completed.

Let me take my readers again to the brow of Blackdown Hill. A mile or so south of Aldworth, Lord Tennyson's famous place, lies a little detached orchard. It is by the side of the descending hill track, but you can pass all round it, for it stands by itself, a small islet of green among the forest trees. The fencing is high and luxuriant, and the trees are old, and one would say not too choice in the matter of fruit-bearing. The gate is clamped up with heavy chains, and—note well—there is a brown-grey haycock propped up against one of the apple trees. It would be worth little enough to its owner, but it is rated at 19s. a year, while the rent which has, since 1892, been charged on it is only 5s. It stands in the middle of Lord Egmont's Cowdray estate, but, as I shall show, it has had, till recently, no connection with it. About sixty years ago it was the property of Humphrey's aunt, after which it passed to the Yaldwin family, formerly of Blackdown House, and in those days considerable landowners and influential people. It originally had a cottage attached to it, and between 1830 and 1840 was bought for £20 by the Yaldwins. An old lady, eighty-three years of age on the day when I visited her, who lives in a cottage close by, remembers the transaction, for her husband, who recently died, was a witness to it, and saw the handful of dust thrown over the road in token of the change of ownership. Later on, between 1850 and 1860, another person became associated with the orchard, now without its cottage. Old William Humphrey, of the parish of Lurgishall, was one of the Blackdown cottiers, and was also handy man, gamekeeper, odd labourer, and what-not to Mr. Yaldwin. To-day he is a sturdy peasant of sixty-five, with clear grey eyes, and something of a patriarchal air. Here is his story of how the orchard came into his possession, told me as he leaned against the gate of the tiny plot that once was all his own. The road fencing had broken down, and Mr. Yaldwin asked him to repair it. He made a good fence, and when it was done, Mr. Yaldwin, seeing and approving the work, said to him, "The orchard is of no use to me. You can have it for your own." No papers passed; the gift simply went from the hand of the master to that of the man, and from that point, as William Humphrey declares with the clearest emphasis, he and he alone owned that strip of meadow and orchard land. He paid not one farthing of rent to any soul, least of all to Lord Egmont. He gathered the fruit, cut the hay

and stacked it, and did what little labour the little patch required. The living representative of the Yaldwin family does not dispute Humphrey's story, and never claimed the orchard. An old neighbour declares that the orchard was never part of Lord Egmont's Cowdray estate. And there is other testimony. A neighbour, son of an under wood-bailiff of Lord Egmont, says that in his time the estate never claimed the orchard or asked rent for it. What is also clear is that the law recognised William Humphrey's ownership. The old man produced for me receipt after receipt, not only for the poor and highway rates, but for the landlord's taxes. These latter were trifling enough, a matter of threepence or fourpence or sixpence. But he has the receipts, and I have seen and examined them. In 1876, for instance, he is credited with having paid threepence as landlord's tax under Schedule A, and there are many such documents. Of late years, it is true, I cannot find the record of the payment of these charges, but the payment of the rates, that is to say 19s., is traceable up to the present year. In March 1893, in October 1893, and above all, on August 24th, 1894—a memorable date for him—he punctually met these demands. I give my readers a copy of the last receipt, the importance of which will be seen later on:—

RECEIPT,

No. 25.

Highway Parish of LURGASHALL,
the 24th day of August, 1894

Received of Mr Wm. Humphrey the sum of Pounds
Shillings and Nine $\frac{1}{2}$ Pence in respect of the Highway Rate of
the above Parish, viz. :—

Rate made the 7th day of April, 1894, on £	19	Annual	£	s.	d.
Rateable Value at 10d. in the Pound	..	..	0	0	9½

Rateable value at 100. in the Pound	..	..	0	0	92
Arrears of former Rate	..	..	..	..	..
Total	..	..	..	..	..
Allowance to owner at	per cent.	..	..	..	..
Paid by Owner	..	..	..	..	..

(Signed) W. M. GOBLE,
Surveyor [or Collector].

So much for Humphrey as owner. I pass to him now in his capacity as tenant. Here again the facts appear to be clear. He has been a tenant on Lord Egmont's Cowdry estate from 1854 to 1892, holding among other things a cottage and garden on the quaintly-named spot on Blackdown Hill called the Quell, his rent being £3 10s. The rates in this case were, as one expects to find, compounded and paid by the landlord. William Humphrey's rent he paid most regularly as each half-year expired. These relations went on till December, 1891, when Humphrey proposed to give up his cottage to his son George Humphrey, then married and bringing up a rapidly-growing family. He gave notice to quit, and in September, 1892, Lord Egmont's agent let the cottage to his son at the same rent of £3 10s. When I saw the Humphreys' cottage, which stands some fifty or sixty yards away from the

orchard, it was empty, but there were signs of a new tenant. It was a poor enough place—with tiny diamond panes of glass in the windows. Hard by were two rough wooden out-buildings for cows and pigs, which William Humphrey had built with his own hands. Most of the peasants, indeed, in these parts have made and improved their holdings in much the same way that the Irish peasant has been accustomed to do, though I never heard that any allowance was made them in the rent for this work. George Humphrey, the son, is a man of different type from his father, more docile, less active, and very simple-minded, who has, nevertheless, and in spite of his large family, contrived to get a little property together—a horse or two, carts, a wagon, and a few cows. Furthermore, he farmed from the Cowdray estate a holding of twelve acres, for which he paid £10 a year. He had, therefore, two payments to make for the half-year to the Cowdray estate—the £1 15s. for his cottage and garden, and £5 on account of his strip of agricultural land. But here comes the important point. He declares that he never made himself responsible for the orchard, and he denies that it was included in the tenancy of the cottage and the garden. On the contrary, his father continued to act in every way as if the orchard were still his own. The father paid, as I have said, the rates, and went on making hay and gathering his small crops as if nothing had happened. No rent was, as before, demanded of him. But I am bound to say that Lord Egmont's agent and Lord Egmont himself claim that in giving up the garden William Humphrey also surrendered the orchard in a document bearing his signature. "Is that the case?" I asked him. And here the old peasant's shrewdness had failed him. "I remember nothing of it," he said. "I did not read the paper, for when I signed it I had not my spectacles, and could not properly see it." But whatever may be the nature of this admission, it must have been without any consideration, and as William Humphrey declares he did not know its effect, it has no moral, and should have no legal, validity.

I come now to George Humphrey's part in the story. Like his father, he proved a faithful and punctual tenant. He has kept his receipts both for his plot of land and for his cottage, and they are all dated on the exact days of the half-year—March 25th and September 29th—save when on one occasion the half-year fell on a Sunday and the rent was paid on the following Monday. This punctilious discharge of his debts to his landlord went on to the last hour of his tenancy, and on the day on which I saw him, September 29th last, or quarter-day, this broken outcast was trudging off to the distant rent office to pay his £5 for the holding, and also every shilling of the rent that was due on the cottage from which he had been evicted. How did that eviction take place?

The cottage was taken in 1892, and it was then, in his remembrance, proposed to him at the rent office that he must also regard himself as tenant of the detached orchard, and pay 5s. a

year rent. Now, why 5s.? The orchard was rated at 19s., and seems certainly worth more than 5s. to the landlord. The inference would seem to be that a nominal rent was charged, in order to create a title that did not exist before. To George, at least, the position was clear. He was asked to admit Lord Egmont's title to a bit of land which both his father and himself regarded as William Humphrey's undisputed property. "It is my father's land," was his one reply to the demand that he should pay rent for it. But, unfortunately, money does not pass easily in this out-of-the-way district, and in paying the rent George Humphrey's practice was to hand to the agent a cheque received from a neighbour for some service, and to take the balance in cash. In 1893 he handed in his cheque as usual, and had 2s. 6d. stopped out of the change as the half-year's rent of the detached orchard. He resisted, but was told that if he did not pay it he would be evicted from his cottage. He submitted under protest. The same thing occurred next half-year. On one occasion the Cowdray office gave him a separate receipt for his half-crown; on the other it added it to the receipt for £1 15s. due on his cottage. But his protest remained—always under threat of eviction. "The orchard is my father's land," was his constant plea when he met the agent of the great landlord. In 1894 he took a further step, and in place of handing in the larger cheque paid his rent in cash—£5 for the field and £1 15s. for the cottage—on March 26th, the 25th being Easter Sunday.

The landlord's answer was explicit. George received notice to quit his cottage, but not his holding, and was told that unless his father surrendered his claim to the detached orchard, and unless the son admitted the tenancy, he would be evicted. All this time, be it remembered, his father was enjoying the use of the orchard, was paying the rates, and was keeping up his old claim. Then began the later phases of the struggle between the rich man and the poor man, the rich man secure in his 30,000 acres, the peasant and his son holding fast to their half-acre. George Humphrey is most explicit as to the manner in which Mr. Tallant, Lord Egmont's agent, and Mr. Johnson, the solicitor, made the surrender of the orchard the price of remaining in the cottage. "You can stay if your father will give up the orchard," said they to him seven or eight times (this is his precise account to me), on the last occasion a fortnight before the eviction. The notice to quit came in December, 1893, and of course was legal enough. George Humphrey paid no attention to it. He answered helplessly that if he left the cottage he had nowhere to go. This was literally true. For miles around there was not a cottage to be had, and George was still tied down to the tenancy of his twelve-acre plot, where he grew and reaped his corn. Here is the diary of events as they were developed between these two strange litigants:—

April 10th, 1894: John Johnson, instructed by Mr. Tallant, threatens proceedings to recover possession of the cottage, garden, and "detached orchard."

April 27th, 1894: John Johnson threatens proceedings.

May 2nd, 1894, John Johnson writes: "We do not recognise your father."

May 15th, 1894, George Humphrey is summoned to the Petworth County Court to attend to answer Lord Egmont: "Wherefore he refused to deliver up possession of a certain cottage, garden, outbuildings, and premises, and detached orchard, at the Quell, &c."

June, 1894: Order made for him to deliver up his cottage.

On Sunday, August 5th, 1894, George Humphrey's wife was delivered of a child in the cottage. The child was not strong, the mother did not recover quickly, and the fact of her confinement was told to Mr. Johnson, and a plea of delay was set up on that account. Thirteen days after the birth of the child Messrs. Johnson sent George Humphrey the following letter:—

Midhurst, August 18th, 1894.

Lord Egmont v. Self.

SIR—We find that you have not yet given possession of the cottage, garden, and detached orchard you occupy in accordance with the order made against you.

Your wife being now well over her confinement, we hereby give you notice that unless possession be given by Wednesday next, the 22nd inst., we shall issue a warrant of possession and you will be ejected therefrom.

We trust you will not make it necessary for us to adopt this course after the consideration that has been shown you in allowing the matter to remain in abeyance pending your wife's confinement.—Yours obediently,

JOHNSON AND SON.

Mr. George Humphrey,
The Quell, Blackdown.

Messrs. Johnson were good enough to tell George Humphrey that his wife was "well over her confinement." Here is a certificate from the local doctor, Mr. Hutchinson, the son of a well-known London physician, written *eight days later*, on August 27th:—

August 27th, 1894.

This is to certify I have seen Mrs. Humphrey on August 25th; that, to the best of my belief, she has been confined three weeks ago, and is now in a weak and delicate state.

(Signed) R. J. HUTCHINSON, M.R.C.S., L.R.C.P. Lond.

By this time, however, the eviction had been effected. On Friday, August 24th, George Humphrey, his sick wife, the nineteen-days old child, the rest of his young family—there are seven in all—his cows, his horses, and his "wee bit" belongings, were turned out on to the open common. It was a bitter day and night, the rain descending continuously and in torrents. The family passed the night on the common, rigging up some trifling shelter under the trees, with their household goods lying in heaps around them. Some of them were still lying there when I visited the spot—bits of old horse-gear, rusty stoves, and battered pots and pans. The rain kept on throughout the night of the 24th, and did not cease till the 25th. The baby caught a bad cold, and one of the children suffered severely from ulcerated ears. At the same time the orchard was declared to be Lord Egmont's very own. The lock and gate were broken down, another padlock was fixed, chains

were fastened round the staples, two of the trees were cut to signify the new proprietary. Old William Humphrey stood outside leaning on his stick, and repeating his parable, "The land is mine. You shall hear of this again."

For a fortnight the younger Humphrey family remained on the common, the few neighbours standing aghast and silent at the spectacle of mother and baby and cows and horses wandering pitifully round the locked doors of their old home. One of the beasts died, the victim of exposure. At last a farmer on another estate allowed Mrs. Humphrey and the family the shelter of a large empty barn, where they at once took up their quarters. They did so with fear and trembling, and a few days later the agent of the estate called on the farmer and told him that the Humphrey family would have to go. But the matter was not pressed, and mother and child at length found refuge in a cottage which already held seventeen souls, and a kindly friend from Haslemere, a well-known American citizen, has now placed a cottage at the disposal of George Humphrey. It is far from his plot of land, to which the landlord still holds him, and he will have a long and weary tramp every night and morning between his home and his place of work. Nevertheless the landlord has not released him from the tenancy of the land, and for weeks this helpless soul has wandered aimlessly about his birthplace and old homestead, with no rest for the sole of his foot. Too late he consented to admit that Lord Egmont had won, and on the advice and with the help of the good friends who have been his mainstay in his fight with the earthly powers of Blackdown, he addressed the following letter to Lord Egmont:—

MY LORD,—I humbly venture to address your lordship. I am in great trouble; our only shelter is a barn, my infant is sick, my calf is dead from exposure; we have suffered very much.

I respectfully beg of your lordship to allow me to return as tenant of the cottage from which I was ejected on the 24th August last, I undertaking to pay the rent regular and to keep all the covenants punctual as heretofore I have done.

I beg to add that I make no claim to the detached orchard for myself or on behalf of any other person, and I undertake not to dispute your lordship's title to it.

Your obedient servant,
GEORGE HUMPHREY

To this letter—surely as touching as sorrow can make it—no answer was vouchsafed. By the same advice, the father also submitted. He had begun an action for the recovery of the orchard. In view of his son's impending ruin, he was advised to withdraw it, and did so, also surrendering the claim which, to his dying day and in his heart of hearts, he will cherish. To this letter, again, the Cowdray Estate made no reply.

I have told my story, and shall conclude with a few comments. Lord Egmont was an Irish landlord, and his experience on his Irish estates may have convinced him that eviction is a process on which he may safely venture on this side of the Channel. I

will make him one or two concessions. In the matter of the eviction he has acted within his legal rights. Nor do I dispute the fact that in the process of grasping after this Naboth's vineyard of half an acre some kind of title has been created in his favour; that, on the other hand, Humphrey's title, like that of some of the "squatters" in this rough country, has not been over-precise; and that the law may hold the rich man right, the poor man wrong. The parish rate-book does show that for some years past Lord Egmont's name has appeared as owner of the "detached orchard." He has paid the land tax, which Humphrey used to pay, and Humphrey was doubtless aware of the fact. But how was the title created? The land was Humphrey's: now it is Lord Egmont's. How did the change take place? What value did William Humphrey receive for his ewe lamb? If he was always a tenant, how is it that he never paid a shilling rent to a single soul, and was never asked to pay it? How is it that George Humphrey was asked to consider himself a tenant for the bit of land for which his father was paying the rates up to the very year—aye, and the very day—of his eviction from the cottage? How is it that while the Estate forced tenancy on the son, the father's name stands *to this hour* in the Queen's Tax books and the parish rate-books as "occupier" of the orchard? Why, if the Estate claims, as I understand it claims, that cottage, garden, and orchard constituted one joint tenancy, was George Humphrey given a *separate* receipt for half-a-crown, as the half-year's rent on the orchard plot? Why, if William Humphrey, the father, also owed rent for the orchard, did he only pay his half-yearly instalment of £1 15s. on the cottage and garden alone? And, finally, why this eviction of a tenant: who had never owed one farthing of arrears from the first to the last day of his tenancy? I submit, these are questions that should be answered.

One more word. I may say the case of the two Humphreys has come before Mr. Frederic Harrison, an English man of letters of the first distinction, who has been tenant for some time of Blackdown Cottage, within five minutes' walk of the cottage and the orchard, and who, as a neighbour and employer of George Humphrey, took an interest in his troubles. I called on Mr. Harrison whilst interviewing the Humphreys. Mr. Harrison's view was that though he did not suppose (and I hope this is true) that Lord Egmont would personally approve of harshness, the family of George Humphrey—a respectable farmer, never in arrears with his rent—had been, in his own opinion, and in that of other neighbouring residents, treated with singular cruelty. As to the claim of William Humphrey to the small piece of orchard, Mr. Harrison declined to express any opinion, as it seemed to be a technical point of law. The advice that he had given to both men was to withdraw any legal claim to ownership, and to throw themselves on Lord Egmont's good feeling and generosity. It was by his advice, in fact, that William Humphrey withdrew his claim

by a lawyer's letter, and that George Humphrey begged Lord Egmont to reinstate him, on condition of his renouncing any claim for himself or for anyone else to the disputed piece. So far as I can gather, I may add that only in the last resort, when George Humphrey is giving up the last sticks and shreds of his home, and beginning his life afresh elsewhere, have these facts been made known outside. The matter has now reached a stage when a public moral must needs be drawn from this story of private disaster. In a few weeks the labourers of England will have the right of calling themselves in some fashion the rulers in their own land. If there had been a Parish Council for the Blackdown district a couple of years ago this wrong might never have been perpetrated. The rule of the squire has come to an end. Is it wise that, in this hour of all others, he should use his power as Lord Egmont has used it?

We publish in another column the story of a struggle for the possession of a half-acre orchard lying in one of the wildest and least-inhabited parts of Sussex. We do not relate it as a case of legal wrong, but rather of social hardship. On the one side, we have the eternal land-hunger of the peasant in almost every country in the world, the desire to have a little plot of land, with or without the sense of absolute ownership, but with a guarantee of assured possession and undisturbed and peaceful toil. On the other hand, we have the eagerness of the great landlord to consolidate a huge estate, to sweep off the outlying "squatters", and to give "symmetry" to a holding which leaps, as it were, from hill to hill, and from valley to valley. We will go so far as to suppose that Lord Egmont believed himself in the right in dispossessing two poor men—old inhabitants, decent farmers in a small way, and regular rentpayers and ratepayers—of this tiny and almost worthless property, as to which the elder man bitterly repudiates any ownership but his own. Was that a sound reason for throwing out on a desolate common, swept with wind and rain, a woman with a three-weeks-old baby at her breast? Does the story tend to confirm the belief that the fortunes of poor and simple people—ignorant of the law, unfamiliar with letters, knowing only a few simple facts about the cultivation of the soil and the struggle for the daily bread—can be entrusted to the uncovenanted mercies of a few great landowners with almost unlimited powers, social and economic, at their back? We do not think it does. And we present this story as an object-lesson in favour of parish councils. The agricultural labourer, backed by a body on which he can obtain the fullest representation, equipped with powers for acquiring land, for maintaining old public rights, for checking the encroachments that are so easy when a single man holds in his hands the liberties, almost the lives, of a feeble and scattered community, will be a different person from the English villager as we know him to-day. For such a change the time is over-ripe if we are ever to make self-respecting men of the mass of our rural population. We should have thought it would be in the interest of the friends of the rights of property to see to it, not that the William Humphreys of England were driven from their holdings, but that they were made more secure in them. That, at all events, is the plea of the more conservative type of land reformer. We confess that, in view of the story of Humphrey's Orchard, it does not present itself as a very promising development.—*Daily Chronicle* (Leader), October 6th, 1894.

A fortnight ago we published in a strictly temperate form the story of an eviction on Lord Egmont's Sussex estates, the eviction being itself the tragic sequel of a struggle between a great landlord and a poor man for a strip of almost worthless land, half an acre in extent. Since then we have been overwhelmed with correspondence expressing the sympathy of the writers—men of all classes—with the troubles of the two Humphreys, and offering subscriptions for the purpose of testing the elder man's right to the land which to the day of his death he will regard as his rightful property. From Lord Egmont and his agent we have not had a word. Our columns have been freely open to him, and he would have been sure of a fair criticism of his case, and a frank admission of any points in his favour. Are we to assume from his silence that he accepts the general correctness of our statement, and that he endorses the acts of his agents during the whole course of this unhappy conflict? If he does, we must take leave to recur to one or two leading facts. George Humphrey, whose wife and three-weeks-old child were thrown out in a bitter night on an open common without shelter or the hope of getting it, was one of the most punctual of tenants. He had never owed a farthing's worth of rent, and he had not failed to pay his dues on the day on which they were owing. Indeed, he could have been in no respect an undesirable occupier, for though he was evicted from the cottage, he was allowed to retain the much larger tenancy of twelve acres—a tenancy without a house from which to work it! If Lord Egmont was convinced of his right to possess the "detached orchard," why did he attack William Humphrey's married son, handicapped by his young family? Why did not he take action either by law at the county court, or by the simple and formal eviction of William Humphrey from the detached orchard alone? Of course an action at law would have compelled the estate to disclose and produce their title, which they appear either unable or unwilling to do. Granted, however, that the Cowdray claim to the detached orchard is as good as in justice we believe it to be, George and William Humphrey's absolute submission—a submission wrung from them in the interests of the younger man's household and his offending children—ought surely to have ensured a hearing for their plea for mercy. No hearing has to this day been given. We cannot be surprised that in the absence of it a deep feeling of resentment has arisen, not only in the immediate neighbourhood of the estate but in all parts of Sussex, a feeling in which a number of Lord Egmont's landowning neighbours concur. The case, however, even though the law may have nothing to say to it, will not readily be forgotten. We have, as we have said, received a very large number of offers of relief for George Humphrey and his family. We do not know that any immediate need exists, but we would suggest that our correspondents might be willing to place the sums they have promised at the disposal of a Tenants' Defence League for West Sussex. That is a subject on which, perhaps, those nearest the spot will be better judges than we. We place the suggestion at their disposal.—*Daily Chronicle* (Leader), October 20th, 1894.

The Editor of the "Daily Chronicle." [October 22nd, 1894.]

SIR,—As solicitor to the Earl of Egmont, my attention has been called to the report of your "Special Commissioner," printed in your issue of the 6th instant, and to the paragraphs and letters published by you upon the above case, with which Mr. Johnson, as steward of Lord Egmont's manor of Lurgahall and local solicitor to his lordship, has been connected. Notwithstanding what you have written, I am sure that you would not do intentional injustice to Lord Egmont.

I cannot, of course, in your columns, explain the legal point of Lord Egmont's right to the orchard, neither would your readers understand the "abstract of title" if it were published. I can assure you, however, that his lordship's right is, and always has been, unquestionable. Your Special Commissioner admits that Humphrey's alleged title "has not been over-precise," and that, in the matter of the eviction, Lord Egmont "has acted within his legal rights." You seem to complain that the eviction took place without due consideration for the circumstance of Mrs. Humphrey's confinement. The fact is that notice to quit was served so long ago as on December 14th, 1893, expiring on March 25th, 1894. For many months Humphrey disregarded the notice. On June 7th (two months before the child was born) the Court made the order that possession be given to Lord Egmont a week later. This order was also disregarded by Humphrey; and it was purposely held over by Lord Egmont's local solicitor for ten weeks more because of Mrs. Humphrey's condition. If it had been held over much longer the order would have lapsed.

Lord Egmont's well-known kindness and consideration for his tenants makes it superfluous for me to add anything on his behalf.

I am, Sir,

Your obedient servant,

H. T. BOODLE.

53, Davies-street, W.
October 20th.

P.S.—Since writing the above, I have read your leading article in to-day's issue, but I feel that I need not trouble you with further remarks.

[Mr. Boodle is correct in assuming that we desire to do no injustice to Lord Egmont, but he will permit us to say that his letter gives us no ground for modifying our general view of the action described in our Special Commissioner's article. Mr. Boodle says that Lord Egmont's title to the orchard "is, and always has been, unquestionable," but he adds that the abstract of title is too technical for our readers to understand. No doubt Lord Egmont has acted under this belief, and we have not disputed the fact that Humphrey's title was verbal, and the result of long possession, not of settlement by way of deed. But if Lord Egmont owned the orchard as part of the Cowdray estate, how is it that no rent was claimed for it until the younger Humphrey appeared on the scene? This is one of many arguments against Lord Egmont's claim; and perhaps Mr. Boodle will enlighten us on that point.]

With regard to the eviction, we were, of course, aware that it was delayed until after Mrs. Humphrey's confinement. But what are the facts? Mrs. Humphrey was confined on August 5th. On August 18th, *i.e.*, thirteen days after the birth of the child, Messrs. Johnson wrote stating that Mrs. Humphrey was "well over her confinement," and notifying Humphrey that the eviction must take place on the 22nd. It took place on August 24th, *i.e.*, when the child was nineteen days old. The day and night were bitter and stormy, and Humphrey and his family had no cottage or shelter. A day later a doctor certified that Mrs. Humphrey was still in a weak condition.

As to Lord Egmont's general "kindness and consideration" to his tenants, we have not disputed this point; but it is not relevant to the case of Humphrey's Orchard.—ED. D. C.]

The Editor of the "Daily Chronicle" [October 23rd, 1894.]

SIR,—Mr. Boodle's letter is very well so far as it goes; but some of your readers who happen to know what an abstract of title is, and also what it is not, might wish—since Mr. Boodle has thought proper to make a statement—that the statement had been a little more explicit.

Abstracts of title, or rather the documents and events which they represent, may, and generally do show, a substantially good title, but only on the assumption that the actual possession is in accordance with the title as shown. All titles in England, with inconsiderable exceptions, rest ultimately on long possession, and the fact of the actual use and occupation of the land being consistent with the written title has to be verified independently, and is so by every prudent purchaser.

Hence a documentary title may be in perfect order, and yet there may be a disputable question about the exact boundaries of some part of the property, or whether an adverse title has not been gained by long holding without payment of rent or other acknowledgment. I have known great trouble arise from a difference between neighbours about a few feet of bank and ditch, with plenty of deeds and maps on both sides.

For anything yet stated in this case, there may be a genuine and arguable question of boundaries, or of Humphrey or his predecessors having acquired a good title by adverse possession and not effectually parted with it, or both. Also there may not; but information which leaves out these points is no information at all. Also it is likely enough that on any such question there would be a conflict of evidence, and it would not be easy to get the facts clear; but that is another matter.

I cannot see why Lord Egmont's personal character should be brought in. Every body knows that a great landowner, whether individual or corporate, has to trust the discretion of the agent and solicitor, and to a great extent to accept the facts on their report. The reputation of the estate office and the reputation of the landlord are not necessarily the same.

I am, Sir,

Your obedient Servant,

FREDERICK POLLOCK.

Lincoln's Inn, October 22nd.

[Sir Frederick Pollock will no doubt have observed that we have made no reflections on Lord Egmont's personal character as a landlord, but that we have dealt with the case purely with regard to the facts so far as we have been able to ascertain them.—ED. D.C.]

The Editor of the Daily Chronicle.

SIR,—As a West Sussex landowner, and a neighbour of Lord Egmont's, I beg to say, with reference to your article of yesterday, that the general opinion among the landowners is that Lord Egmont and his agents were right in what they did in asserting his property rights. I hear that even Mr. Wilberforce the Radical candidate for the Horsham Division of Sussex, takes this view. Trusting that in fairness to West Sussex landowners you will print this letter, and enclosing my card,

I am, your obedient servant,

A WEST SUSSEX LANDOWNER.

Oct. 21st.

[We can assure our correspondent that our remark as to local opinion was amply justified.—ED. D.C.]

The Editor of the "Daily Chronicle."

SIR,—I am abroad, and I have only just seen the article by your Special Commissioner in your issue of the 6th inst., on the case of "Humphrey's Orchard."

There are two points upon which, as an owner of land in Sussex myself, I should be glad of enlightenment.

1. If Mr. Yaldwin, of Blackdown, between 1830 and 1840 bought the property in question for £20, how has Lord Egmont inherited it from him, even if granted that it never passed into the legal possession of Mr. Humphrey?

2. Or does Lord Egmont claim the property because for a few years he has paid the landlord's taxes? And does such payment constitute a legal title to the possession of any land anywhere in the United Kingdom?

It would add another and a sporting interest to the possession of land if by prowling round and paying landlord's taxes one could pick up small properties in one's neighbourhood. I know of several "Naboth's Vineyards" that I should have no objection to add to my estate if I could do so at the price of a few pence for a few years.

Yours faithfully,

Venice, October 19th.

A SUSSEX LANDOWNER.

[The story of Humphrey's Orchard, which is here reprinted by kind permission of the Editor of the *Daily Chronicle*, affords an interesting and instructive example of the evils of landlordism. The cruel eviction of George Humphrey, the tenant of Lord Egmont, from his cottage, under the circumstances related above, shows that the worst evils of Irish landlordism are equally possible under the English land system, and emphasises the need for abolishing a monopoly which enables a single villager to own the houses and to control the opportunities of labour of a whole community. The struggle between William Humphrey and Lord Egmont—between the small proprietor and the great territorial magnate—well illustrates one of the methods by which great estates have been built up. The great landlords regard it as a menace to their privileged position that a poor man should be able to get access to land, for the exercise of his labour, without paying toll and rendering homage to one of themselves. The reform which the League advocates would, of course, abolish all private ownership of land, whether on a large or a small scale, but, while "making the English people themselves the landlords of England," it would, at the same time, secure to the industrious tiller of the soil, on paying a fair rent to the community, the "guarantee of assured possession and undisturbed and peaceful toil," which the *Daily Chronicle* rightly holds up as an ideal.

THE EXECUTIVE OF THE ENGLISH LAND RESTORATION LEAGUE.]

22745

**END OF
TITLE**